

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MARK DOWNEY,

Plaintiff,

-against-

UNITED STATES OF AMERICA,

Defendant.

1:19-CV-5985 (CM)

BAR ORDER UNDER  
28 U.S.C. § 1651

COLLEEN McMAHON, Chief United States District Judge:

Plaintiff filed this action *pro se*. On August 2, 2019, the Court consolidated this action with *Downey v. United States*, ECF 1:19-CV-6646, 2, dismissed the actions as frivolous, and noted that Plaintiff has filed 28 actions in United States District Courts nationwide, and many of these actions have been deemed frivolous or meritless. (ECF No. 5 at 3.) The Court noted further that from June 19, 2019, through July 17, 2019, Plaintiff filed 18 complaints that are substantially similar to this complaint, and that Plaintiff was barred by the United States District Court for the Eastern District of Virginia from filing any new civil action or pleadings in any closed actions in that court without first obtaining permission, *see Downey v. United States*, No. 19-CV-0233 (E.D. Va. Mar. 26, 2019) (*Id.* at 4.). The Court therefore ordered Plaintiff to show cause by declaration within thirty days why he should not be barred from filing further actions *in forma pauperis* (IFP) in this Court without prior permission.

Plaintiff filed a declaration on August 13, 2019, indicating he “object[s] to the Court’s unfounded, reckless, offensive and abusive remarks; the Dismissal Rulings and the unjust need for a Show Cause due to the False non-impartial Ruling.” (ECF No. 6 at 12.)<sup>1</sup>

Plaintiff’s arguments against imposing the bar order are insufficient.

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<sup>1</sup> Page numbers refer to those generated by the Court’s electronic case filing system.

## CONCLUSION

The Court bars Plaintiff from filing future civil actions IFP in this Court without first obtaining from the Court leave to file. *See* 28 U.S.C. § 1651. Plaintiff must attach a copy of his proposed complaint and a copy of this order to any motion seeking leave to file. The motion must be filed with the Pro Se Intake Unit of this Court. If Plaintiff violates this order and files an action without filing a motion for leave to file, the Court will dismiss the action for failure to comply with this order.

Plaintiff is further warned that the continued submission of vexatious, frivolous, or otherwise nonmeritorious documents may result in the imposition of additional sanctions, including monetary penalties. *See id.* The Clerk is directed to close this action.

The Clerk of Court is directed to accept no further documents in this action other than those directed to the Court of Appeals.

The Clerk of Court is directed to docket this as a “written opinion” within the meaning of Section 205(a)(5) of the E-Government Act of 2002.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: August 20, 2019  
New York, New York



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COLLEEN McMAHON  
Chief United States District Judge